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REMARKS

In response to the Final Office Action mailed August 23, 2006 (hereinafter "Final Action"), claims 59 and 72-73 have been amended, and claims 105-106 have been newly added. Therefore, claims 59, 61-65, 67-73, 75-79, 81-84, and 105-106 are pending. Support for the instant amendments is provided throughout the as-filed Specification. Thus, no new matter has been added. In view of the foregoing amendments and following comments, allowance of all the claims pending in the application is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 59, 61-65, 67-73, 75-79, and 81-84 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combination of U.S. Patent No. 5,948,038 to Daly *et al.* ("Daly") in view of U.S. Patent No. 5,719,396 to Jack *et al.* ("Jack"), further in view of U.S. Patent No. 5,319,199 to Stedman *et al.* ("Stedman"), further in view of Official Notice¹ [Final Action, pg. 2, ¶2 and pg. 5, ¶9].

Applicants disagree with the propriety of the rejection for at least the reason that the Examiner has failed to establish a *prima facie* case of obviousness. However, solely in an

¹ Independent claims 59 and 73 each recite a "graphical user interface." At pg. 5, ¶9 of the Final Action, the Examiner recites that Daly, Jack, and Stedman do not disclose using a GUI. The Examiner relies on Official Notice for this feature. Without commenting on the *propriety* of the Examiner's characterization of Daly, Jack, or Stedman, Applicants note that the Examiner's rejection of independent claims 59 and 73, although legally improper, is most accurately stated as being based on the combination of Daly, Jack, Stedman, and Official Notice, rather than just the combination of Daly, Jack, and Stedman.

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effort to expedite prosecution, independent claims 59 and 73 have been amended to more clearly reflect points of novelty over the references of record.

In particular, independent claim 59 recites, *inter alia*, the feature(s) of:

enabling the at least one record to be edited by a user via a graphical user interface, including enabling the user to verify the reliability of the emissions data for the at least one vehicle based on the speed and acceleration data for the at least one vehicle.

Independent claim 73 includes similar claim recitations:

editing means that enables the at least one record to be edited by a user via a graphical user interface, and wherein the editing means further enables the user to verify the reliability of the emissions data for the at least one vehicle based on the speed and acceleration data for the at least one vehicle.

Neither Daly, Jack, nor Stedman, viewed either alone or in combination, disclose, teach, or suggest the foregoing features. Daly, for example, makes no reference whatsoever to the testing of vehicle emissions using a remote vehicle emissions sensing device. As such, Daly fails to disclose *at least* the feature of enabling a user to verify the reliability of the emissions data for the at least one vehicle based on the speed and acceleration data for the at least one vehicle.

Jack and Stedman do not cure at least the foregoing deficiencies of Daly. Neither Jack nor Stedman, disclose, teach or suggest enabling a user (via a graphical user interface) to verify the reliability of emissions data for a vehicle based on speed and acceleration data for the vehicle.

For *at least* the foregoing reasons, the rejection of independent claims 59 and 73 is improper and should be withdrawn. Dependent claims 61-65, 67-72, 75-79, and 81-84 are

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allowable because they each depend from allowable independent claims, as well as for the further features they recite.

CLAIMS 105-106

Newly added claims 105-106 are directed to a method and system, respectively, for managing vehicle emissions records, that include vehicle data obtained at a remote sensing device, to differentiate between vehicles that are subject to emissions standards and vehicles that are exempt from emissions standards.

Claims 105-106 are patentable over the references of record for at least the reason that neither Daly, Jack, nor Stedman, viewed either alone or in combination, disclose, teach, or suggest *at least* the feature(s) of enabling a license plate type to be specified for at least one vehicle (via a graphical user interface), and excluding a record (including emissions data obtained for the at least one vehicle) from further processing if a specified license plate type for the at least one vehicle matches a license plate type identified as corresponding to a category of vehicles that are exempt from emissions standards. Accordingly, an indication of the allowability of newly added claims 105-106 is earnestly sought.

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CONCLUSION

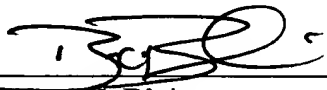
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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